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10 Counsel for Adam Shafi

11
12 IN THE UNITED STATES DISTRICT COURT
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14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,) NO. 15 Cr. 582 WHO
18 Plaintiff,) UNOPPOSED ADMINISTRATIVE
19 v.) MOTION AND ORDER SEALING EX
20 ADAM SHAFI,) PARTE COURT DOCUMENTS
21 Defendant) Date: February 18, 2016
22) Time: 1:30 p.m.

17 PLEASE TAKE NOTICE that on February 18, 2016 at 1:30 p.m., defendant
18 Adam Shafi will move this Court to file *ex parte* and under seal and FILTER 00002
19 through FILTER 00009, which counsel has lodged with this Court under seal. The
20 government does not oppose the motion and the parties agree that the motion may be
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UNOPPOSED ADMINISTRATIVE MOTION
SEALING COURT DOCUMENTS

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CR 15-0582 WHO

1 granted pursuant to this unopposed motion and the declaration of counsel below, and
2 without oral argument.

3 Mr. Shafi seeks an order permitting him to file under seal and *ex parte* from the
4 prosecution FILTER 00002 through 00009 because they contain privileged attorney-
5 client communications and constitute attorney work-product. *See* L.R. 56-1(b).

6 **Declaration of Counsel**

7 1. Along with Joshua L. Dratel, I represent Mr. Adam Shafi in the above-
8 captioned matter and I submit this declaration in support of Mr. Shafi's Unopposed
9 Administrative Motion to Seal Court Documents. I present the following based on
10 information and belief.

11 2. Mr. Shafi was arrested on a Complaint July 3, 2015, that alleged an attempt
12 to provide material support to a foreign terrorist organization in violation of 18 U.S.C. §
13 2339B. [Dkt. 1]. Mr. Shafi has been detained since his arrest at Alameda County's Glenn
14 Dyer Jail.

15 3. According to Alameda County Sheriff's Office Lieutenant Dan Brodie, on
16 December 17, 2015, representatives of the Sheriff's Office searched Mr. Shafi's cell and
17 confiscated a notepad containing writings and drawings, which it promptly turned over to
18 the FBI. [Dkt. 47 at ¶¶7-9].

19 4. FBI Agent Christopher Monika confirms that the Alameda County Sheriff's
20 Office provided the material to the FBI. [Dkt. 38-1 at ¶ 5b].

5. The government has since produced discovery that confirms that on December 18, 2015, the FBI emailed a portion of the documents seized from Mr. Shafi's cell to, *inter alia*, the prosecution team, including AUSA Candace Kelly and Jeffrey Shih. [Discovery, Bates AS-00631].

6. The U.S. Attorney's Office subsequently provided defense counsel with copies of the seized documents. Included within that material was FILTER_00002 through FILTER_00009, which counsel believe constitute attorney work-product and privileged attorney-client communications.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 10th day of February, 2016, at Berkeley, California.

s/ Erik B. Levin

UNOPPOSED.

DATED: February 10, 2016

BRIAN STRETCH

Acting United States Attorney

s/ Jeffrey Shih
Jeffrey Shih, Esq.
Assistant United States Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 10, 2016

W. H. O.
JUDGE WILLIAM ORRICK